

# Notice of Allowability

Application No.

09/769,832

Examiner

Rodney E Fuller

Applicant(s)

OMURA ET AL.

Art Unit

2851

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's Amendment, dated May 22, 2003.
2. ☒ The allowed claim(s) is/are 1-19 and 21-48.
3. ☒ The drawings filed on January 26, 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |   |  |
|---|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)   | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.   |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>7,12</u> . | 6 <input type="checkbox"/> Examiner's Amendment/Comment                    |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material      | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9 <input type="checkbox"/> Other   |

## DETAILED ACTION

### *Remarks*

In response to applicant's Amendment, dated May 22, 2003, the examiner acknowledges the examiner acknowledges the cancellation of claims 20 and 49-66. Claims 1-19 and 21-48 are pending.

The amendment to claim 48 has addressed the Claim Objection set forth in the Office Action mailed December 18, 2002.

Regarding the 35 U.S.C. 102(b) rejection of claims 1-3, 14, 19-35, 38-48 as being anticipated by Tanaka, et al. (US 4,736,225), the applicant makes the argument that "neither cylindrical lens 28a nor 28b forms an actual image of an object, and therefore neither lens 28a nor 28b is an imaging optical subsystem," and that "the definition of an imaging optical subsystem in this technological art is an imaging optical system that forms an actual image of an object." (Emphasis added) The examiner has considered the applicant's arguments in light of the amended claims and withdraws the rejection.

Regarding the 35 U.S.C. 103(a) rejection of claims 4-13, 15-18, 36 and 37 as being unpatentable over Tanaka, et al. (US 4,736,225), the examiner likewise withdraws the rejection since claims 4-13, 15-18, 36 and 37 depend from allowed claims 1 and 28.

### *Allowable Subject Matter*

1. Claims 1-19 and 21-48 are allowed.
2. The following is an examiner's statement of reasons for allowance:

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The prior art does not teach a first, second and third optical subsystem; a first fold mirror that is arranged in the vicinity of a position of forming a first intermediate image to deflect a beam prior to or after the position where the first intermediate image is formed; wherein the second imaging optical subsystem forms a second intermediate image with a magnification factor nearly equal to the first intermediate image in the vicinity of a position of forming the first intermediate image based on the beam from the first intermediate image; wherein the second imaging optical subsystem has a concave reflecting mirror and at least one negative lens.

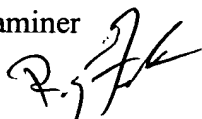
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney Fuller whose telephone number is (703) 306-5641. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams, can be reached on (703) 308-2847.

Rodney Fuller  
Primary Examiner



June 16, 2003